

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Planning and Building	(2) MEETING DATE 6/2/2015	(3) CONTACT/PHONE Stephanie Fuhs, Project Manager/(805) 781-5721	
(4) SUBJECT Request to authorize a General Plan Amendment (LRP2014-00022) to change the land use category of approximately eight acres of a 28.2 acre parcel from Agriculture to Commercial Service and corresponding planning area standards contained in the North County Area Plan (Shandon-Carrizo Plain subarea) in order to encompass an existing steel fabrication yard. District 1.			
(5) RECOMMENDED ACTION It is recommended that the Board review the attached proposal and determine whether or not to authorize processing of the project.			
(6) FUNDING SOURCE(S) Application Fees	(7) CURRENT YEAR FINANCIAL IMPACT \$0.00	(8) ANNUAL FINANCIAL IMPACT \$0.00	(9) BUDGETED? Yes
(10) AGENDA PLACEMENT <input type="checkbox"/> Consent <input type="checkbox"/> Presentation <input type="checkbox"/> Hearing (Time Est. _____) <input checked="" type="checkbox"/> Board Business (Time Est. <u>25 minutes</u>)			
(11) EXECUTED DOCUMENTS <input type="checkbox"/> Resolutions <input type="checkbox"/> Contracts <input type="checkbox"/> Ordinances <input checked="" type="checkbox"/> N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: <input type="checkbox"/> 4/5 Vote Required <input checked="" type="checkbox"/> N/A	
(14) LOCATION MAP Attached	(15) BUSINESS IMPACT STATEMENT? No	(16) AGENDA ITEM HISTORY <input checked="" type="checkbox"/> N/A Date: _____	
(17) ADMINISTRATIVE OFFICE REVIEW Lisa Howe			
(18) SUPERVISOR DISTRICT(S) District 1			

County of San Luis Obispo



TO: Board of Supervisors

FROM: Planning and Building / Stephanie Fuhs, Project Manager

VIA: Bill Robeson, Deputy Director - Permitting

DATE: 6/2/2015

SUBJECT: Request to authorize a General Plan Amendment (LRP2014-00022) to change the land use category of approximately eight acres of a 28.2 acre parcel from Agriculture to Commercial Service and corresponding planning area standards contained in the North County Area Plan (Shandon-Carrizo Plain subarea) in order to encompass an existing steel fabrication yard. District 1.

RECOMMENDATION

It is recommended that the Board review the attached proposal and determine whether or not to authorize processing of the project.

DISCUSSION

Project Summary

The applicant is requesting a General Plan and corresponding Planning Area Standard Amendment to change the land use category on approximately eight acres of property from Agriculture to Commercial Service in order to encompass an existing steel fabrication yard on a single parcel.

The proposal includes two parcels, one 9.98 acre parcel zoned Agriculture and Commercial Service (APN 017-131-039, adjacent to Highway 46 East) and the other, a 28.2 acre parcel (APN 017-131-050), that is zoned Agriculture and is currently being used for grazing. The site is located at 17995 East Highway 46, approximately 2.6 miles northeast of the community of Shandon.

The smaller commercial service property contains a steel fabrication yard that was permitted by the County in November 2004 (see attached Planning Commission staff report), following a Board approved planning area amendment to allow additional uses in the commercial service land use category in October 2004.

The original approval in 2004 granted use of a portion of the property (approximately 1.8 acres) to be used for the business. The approval included construction of a shop building, office and storage yard. Since then, the operation has expanded onto the neighboring property to include additional storage of materials used in the fabrication business (please see attached project description provided by the applicant's agent).

The amendments requested will require amending the official maps, the Land Use Element, and Section 22.94.090C of the North County Area Plan. The area plan amendments will include amending the text and exhibit to reflect the new land use category boundary.

If the amendments are approved by the Board, the applicant will need to process a Lot Line Adjustment and Conditional Use Permit. The Lot Line Adjustment will reconfigure the 9.98 acre parcel by shifting approximately eight acres of the existing AG/CS parcel to encompass the expanded operations of the fabrication yard, resulting in the same parcel size that currently exists (9.98 acres). The existing agriculturally zoned parcel of 28.2 acres will remain the same size as well, just reconfigured to encompass the land along Highway 46 that will shift over to the existing business (see attached graphic depiction). An amendment to the existing Williamson Act Land Conservation Contract will also need to be processed in order to reflect the adopted changes to encompass the existing business on a single commercial service zoned property. A Pre-application meeting was held in September 2014 and the Agricultural Commissioner's office did not have any significant concerns with the proposal because it would actually add undeveloped agriculturally zoned land to the site.

If the amendments are authorized and ultimately approved by the Board, the applicant will then process a Lot Line Adjustment, Conditional Use Permit to memorialize the expanded yard area from 1.8 acres to 9.98 acres, and Williamson Act Land Conservation Contract amendment to reflect the adopted changes to encompass the existing business on a single commercial service zoned property.

Project Data

The entire project site consists of two parcels totaling 38 acre that contains an existing steel fabrication yard (Pacific Tank and Construction, Inc.) located within in the North County Planning Area, Shandon-Carrizo Plain Sub Area and is within both the Agriculture and Commercial Service land use categories. The proposed project is located northeast of the community of Shandon along Highway 46 East.

Planning Area:	North County
Subarea:	Shandon-Carrizo
Assessor Parcel Numbers:	017-131-039 (CS) and 017-131-050 (AG)
Area:	Approximately 38 acres total
Topography:	Mostly level
Water Supply:	On-site well
Sewage Disposal:	On-site septic
Vegetation:	Grasses, ornamentals
Existing Use and Improvements:	Steel fabrication business which includes a 3,600 square foot shop building, 750 square foot office and storage yard

Surrounding Land Uses/ Land Use Category

North: Agriculture/Grazing

South: Agriculture/

East: Agriculture/

West: Agriculture/Grazing

General Plan Information

Land Use Element Category: Agriculture and Commercial Service

Combining Designation: None

Planning Area Standards: Section 22.94.090C. – Commercial Service Standards in the Shandon Carrizo Subarea of the North County Area Plan.

GENERAL PLAN CONSIDERATIONS

Guidelines for Land Use Category Amendments

In determining whether to approve a proposed land use category amendment, the Planning Commission and Board of Supervisors may consider, but shall not be limited to, the criteria listed in Exhibit C. These criteria include consistency with existing goals and policies in the general plan, consistency with the applicable purpose and character statements, compatibility with the character of the general area, convenient access to a road system in the area that is adequate to accommodate the traffic generated, and in an area with demonstrated availability of needed public services and facilities, protection of prime agricultural soils, and if the change is needed to provide a sufficient supply of land for the population of the community or area.

Purpose and Character Statements

The statements of purpose and character in the Framework for Planning, Part I of the Land Use Element of the general plan, are to be used as criteria for evaluating whether a General Plan amendment is appropriate for a specific site (See Exhibit B). These statements identify suitable features or conditions for the location, extent and timing of designating a land use category.

Commercial Service

The purpose statements for the Commercial Service (CS) land use category include the following:

- a. To provide areas for commercial or industrial trade services and light manufacturing where they will not adversely affect surrounding properties.
- b. To protect adjacent incompatible uses from harmful influences and prevent intrusion of conflicting uses.
- c. To provide suitable locations for retail, wholesale, heavy commercial and service establishments usually located near highway traffic or where terminal facilities are convenient.

The character of Commercial Service land is described as being the following:

- a. Areas characterized by existing heavy commercial, service, and small-scale industrial uses.
- b. Areas where uses generally serve occasional needs rather than day-to-day needs.
- c. Areas and uses that will not create extensive, incompatible land use mixtures.
- d. Areas within urban service and reserve lines, or village reserve lines.
- e. Areas located to promote infill and restructuring of existing heavy and service commercial areas and discourage proliferation of scattered service uses.
- f. Areas appropriate for developments using planned development concepts where unified landscaping, signing, building design, service capabilities and adequate circulation can be ensured.
- g. Areas located to have access from collector and arterial streets to avoid use of residential streets for access or deliveries.
- h. Areas with slopes less than 15 percent and located generally outside of flood ways, fault zones and other hazardous or environmentally sensitive areas.

Staff Response

The existing steel fabrication business produces metal tank parts for delivery and installation at off-site locations. Traffic generated by the business is minimal, generally for employees to and from work, and periodic deliveries of their products to clients. This equates to approximately ten am/pm peak hour trips daily.

The location and type of business that is being operated currently on the property generally meets the purposed and character statements for the Commercial Service land use category because it is located on a highway, is a light industrial use and does not negatively impact surrounding properties that are used primarily for grazing. The site is not within an urban or village reserve line, but the business has been operating at its current location for over ten years and provides a small scale manufacturing use that serves occasional needs, does not create extensive, incompatible land use mixtures and is located on mostly level terrain outside of flood hazard and other sensitive areas.

AUTHORITY

Unlike the processing of land use permits, the first step when considering requested changes to the General Plan or Land Use Ordinance is for your Board to determine whether to initiate new legislation to change the rules. If you authorize this request for processing, the item will be scheduled for public hearings before the Planning Commission and your Board after the environmental review process and staff report are completed.

The Land Use Element sets forth the authority by which the General Plan can be amended. Pursuant to the Land Use Element, the Board, in making their decision, should consider the following factors:

- a. **Necessity.** Relationship to other existing LUE policies, including the guidelines for land use category amendments, to determine if those policies make the proposed amendment unnecessary or inappropriate.
- b. **Timing.** Whether the proposed change is unnecessary or premature in relation to the inventory of similarly designated land, the amount and nature of similar requests, and the timing of projected growth.
- c. **Vicinity.** Relationship of the site to the surrounding area to determine if the area of the proposed change should be expanded or reduced in order to consider surrounding physical conditions. These may include resource availability, environmental constraints, and carrying capacity for the area in the evaluation.

Staff's Response

Necessity – As stated above, Pacific Tank and Construction has been operating at its current location since 2004. Over the past ten years, the business has expanded and now encompasses approximately ten acres. The current amendment request would allow the owner to concurrently process lot line adjustment, Conditional Use Permit and Williamson Act amendment applications to permit the business to be located on a single commercial service zoned property.

Timing – The business has expanded over the past decade. This expansion has resulted in storage areas being located on neighboring agriculturally zoned property. The current request would allow the business to be located on commercial service zoned property.

Vicinity – The site is surrounded by agriculturally zoned property that is either grazed or fallow. Expansion of the commercial service zone to encompass the existing steel fabrication yard will not negatively impact surrounding properties, reduce resource availability or carrying capacity for the area. The primary environmental constraints are biological resources (kit fox) and water. Kit fox habitat will be evaluated as part of the environmental review for the project, if authorized. No new structures are proposed, so no increase in water usage is anticipated.

MAJOR QUESTIONS

The proposed General Plan amendment raises the following major questions:

1. Is the request consistent with applicable Land Use Element policies relating to the purpose and character statements for the requested Commercial Service land use category?
2. Is the request consistent with applicable policies of the Agriculture Element? Would this be an appropriate conversion of agricultural land? Will allowing commercial service operations in this area create land use conflicts with surrounding agricultural uses and/or facilitate additional agricultural conversion in the immediate vicinity?
3. Does the request represent a logical location for the Commercial Service land use category?
4. Are there safety issues with allowing commercial service operations located along East Highway 46?

Staff's Response

1. *The request appears to be consistent with the applicable policies of the Land Use Element relative to the purpose and character statements for the Commercial Service land use category. The property is located on East Highway 46, is a light manufacturing use that does not negatively impact surrounding land uses.*
2. *The primary applicable policy is AGP24 (Conversion of Agricultural Land). AGP24 – Conversion of Agricultural Land – This policy discourages the conversion of agricultural land to non-agricultural uses. Staff attended a pre-application meeting for this project on September 10, 2014 with the applicant's agent and staff from the Agricultural Commissioner's office (notes attached). At that meeting, Ag. Commissioner's staff stated that the proposed conversion from Agriculture to Commercial Service is not a major concern because the land is not prime agricultural land and the conversion was done already through the expansion of the storage yard on to the neighboring property.*

The policy also discusses priority for conservation to be given to prime agricultural lands. This property is not located on prime agricultural soils and is used for grazing. Given the soils, water availability and historic use of the site, the likelihood of intensification of agricultural uses is minimal.

Specific findings for conversion are listed within this policy and include: the land does not meet the criteria for inclusion in the Agriculture Element, agricultural production is not feasible due to some physical constraint, adjacent lands are already substantially developed with uses that are incompatible with agricultural uses, the conversion to non-agricultural uses shall not adversely affect existing or potential agricultural production, and there is an over-riding public need for the conversion. Based on discussion with Agricultural Commissioner's staff, there was not a significant concern with the currently proposed conversion because the non-agricultural use has been occurring on the site for several years and the agricultural viability in this particular area is marginal due to soils and water availability. Grazing is the main agricultural use in this general area because of the resource constraints. This project appears to be a fairly unique case where conversion does not necessarily meet the criteria for making the specific findings, but will not significantly impact agricultural resources either.

The other issue with the conversion is that the expansion is located on land that is currently under Williamson Act Contract that does not allow the current use on contracted land. The General Plan Amendment and subsequent land use permits and contract amendment seek to remedy this violation by keeping the same acreage under contract as exists under the current contract. This would be accomplished by shifting the contracted land to the area currently under ownership of the applicant to the neighboring property owner which would put better soils in Agriculture and preclude additional Commercial Service development along the highway frontage.

3. *The subject site is zoned Commercial Service because historically it was used as a wrecking yard. The approval of the steel fabrication business in 2004 recognized the previous use and allowed a modified use at the same location based on review of ordinance policies, environmental resources and potential land use conflicts. Expanding the Commercial Service land use category in this location allows the existing business and use to continue on a single parcel zoned for the use (following approval of the appropriate land use permits and contract amendments).*
4. *As stated previously, the business currently creates ten peak am/pm truck trips daily. No new structures or uses are proposed, so no additional traffic impacts are anticipated. Cal Trans is currently involved in a major realignment/expansion project on Highway 46. The most recent documents show the realignment of the highway going through the most northern edge of the project site and would not interfere with the currently proposed project (see attached preliminary exhibit from Cal Trans).*

AUTHORIZATION OPTIONS

Your Board should consider the following options as part of your discussions when considering whether to authorize this project for processing:

1. Authorize the application for processing as requested to change approximately eight acres of property from Agriculture to Commercial Service.
2. Do not authorize the processing of this application.

OTHER AGENCY INVOLVEMENT/IMPACT

If the project is authorized for processing, the application will be referred to all applicable agencies and community advisory bodies. The application was sent as a tentative referral (notification that the application was requested, but has not yet been authorized for processing) to County Public Works Department and Cal Trans. Public Works responded to send a referral to CalTrans to ensure the proposed re-alignment would not impact the project.

FINANCIAL CONSIDERATIONS

The applicant has paid a deposit and has agreed to process the amendments under a Real Time Billing Agreement, which will allow for the recovery of the actual cost of processing.

RESULTS

Authorization of the General Plan Amendment application will allow continued processing and a final decision to occur by the Board following a public hearing and recommendation by the Planning Commission.

Not authorizing the application will stop the further processing of the General Plan Amendment. Any unused portion of fees collected will be refunded.

This authorization hearing is consistent with the county-wide goal of maintaining well-governed communities.

ATTACHMENTS

- Attachment 1: Graphics
- Attachment 2: Exhibit B - Guidelines for Amendments
- Attachment 3: Exhibit C - Purpose and Character Statements
- Attachment 4: Applicant Project Description
- Attachment 5: November 16, 2004 Planning Commission Staff Report
- Attachment 6: Pre-Application Meeting Notes
- Attachment 7: CalTrans Exhibit Showing Potential Highway 46 Realignment